

REMARKS / ARGUMENTS

Claims 1-54 are pending in this application.

Specification

The Examiner has objected to the title of the invention "STORAGE SYSTEM" as being non-descriptive. However, in the amendment filed on November 1, 2005, the title was amended to "DATA REPLICATION AMONG STORAGE SYSTEMS".

The specification is also objected to for not incorporating the drawing amendment. However, in the previously filed amendment, paragraph [0034] was amended to address the correction to the drawing.

35 U.S.C. §103

Claims 1, 9, 13, 15-17, 25-26, 28-29, 37, 40 and 43-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tamatsu (U.S. Pub. No. 2003/0074600) in view of Ofek et al (U.S. Patent No. 6,598,134) and in view of Winger et al (U.S. Patent No. 6,560,617). Claims 2, 12, 18 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tamatsu in view of Ofek et al and in view of Winger et al and in view of Duyabovich et al (U.S. Patent No. 5,555,371). Claims 3, 5, 14, 19, 21, 27, 31, 33, 39 and 41-42 stand rejected under

35 U.S.C. §103(a) as being unpatentable over Tamatsu in view of Ofek et al and in view of Winger et al and in view of Yang (U.S. Pub. No. 2004/0117344). Claims 7-8, 23-24 and 35-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tamatsu in view of Ofek et al and in view of Winger et al and in view of Candelaria et al (U.S. Patent No. 5,682,513). These rejections are traversed as follows.

As admitted by the Examiner, Tamatsu and Ofek et al do not disclose sending a command to the first storage system as recited in pending claims 1, 17 and 40 (see Office Action mailed December 29, 2005, page 6, lines 4-5; page 10, lines 16-17; and page 17, lines 11-12). In addition, as admitted by the Examiner, Tamatsu and Ofek et al do not disclose sending a command to the second storage system as recited in pending claim 29 (See Office Action mailed December 29, 2005, page 15, lines 1-2). The Examiner relies upon Winger et al for such teaching. However, the portion of Winger et al cited by the Examiner, namely column 9, lines 27-29, merely discloses a second communication means for communicating a data modification request from a primary server to a secondary server. This does not correspond to sending a command to the first storage system or second storage system, as claimed. As such, it is submitted that, for this reason and for other reasons not specifically mentioned herein, the attempted combination of references fails to disclose or suggest all of the limitations of the pending independent claims. The dependent claims are patentable based upon the asserted patentability of the independent claims.

Appl. No. 10/650,338
Amendment dated March 1, 2006
Reply to Office Action of December 29, 2005

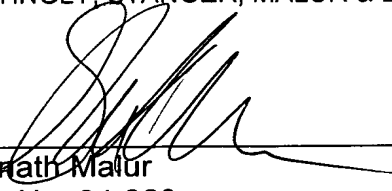
H-5027

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By 
Shrinath Malur
Reg. No. 34,663
(703) 684-1120